Remarks

Claims 1, 3 – 14 and16 are pending in this application. Claims 1, 3, 11, 12, 13 and 14 are amended. Claims 2 and 15 are cancelled.

Claim Rejection under 35 USC §101

Claim 15 was rejected under 35 U.S.C. §101, however, cancellation of claim 15 renders this rejection moot, withdrawal of the rejection is respectfully requested.

Claim Rejections under 35 USC §103

Claims 1, 3 - 6, 8 - 10, 11, 14 and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Barmettler et al. (US 7203940 B2, hereinafter, *Barmettler*) in view of Chanut (US 2004/0002367 A1, hereinafter, *Chanut*).

Applicants respectfully disagree with the rejection for the following reasons.

Rejection of Claim 1

Claim 1 is amended to recite an interactive television service which is transmitted by a broadcaster or advertiser. The interactive television service is executable on a terminal and relates to live events, televised games, or interactive promotions. Such executable services are linked with audio-visual programs to provide program enhancement. Examples of executable services can comprise HTML pages and dependencies such as GIF or JPEG pictures or Flash animations. The enhanced audiovisual program broadcast and the interactive television services require synchronization to insure that specific interactive features occur at the relevant program instants. Furthermore, such interactive television services have predetermined life spans. Stated differently, specific interactivity relates to specific program content and thus must occur and have a duration or life span so as to be in sync during the corresponding program content. These predetermined life spans are defined by temporal information, related to a validity of execution of the interactive television services. This temporal information forms part of information associated with the interactive television service.

Barmettler's field of endeavor is quite different from Applicants' interactive television service. *Barmettler* is not concerned with an automatic selective

decision module for acquiring computer programs which is capable of allowing or preventing the downloading computer programs required for an interactive services and not available locally. Furthermore, *Barmettler* is not directed to controlling downloading in accordance with temporal information included in (signaling) information associated with an interactive television service.

The Examiner admits that *Barmettler* fails to disclose Applicant's recited;

> "...automatic selective decision module controlling acquisition of computer programs by one of allowing and preventing the downloading of said computer programs according to said temporal information, said temporal information being included in said information associated with said interactive television services."

In the above clause Applicants' recite an automatic decision which allows or prevents downloading. The downloading decision is in accordance with temporal information included in information associated with the interactive TV service. Applicants state that the MHP standard (Application P4, L9) indicates, in the signaling data, information required to execute the associated interactive television services. The information associated with the TV programming as is mentioned at P8, L31, "...and advantageously entered when publishing the interactive service... ...when generating the interactive service data, this information is inserted in the files that make up the service." At P9, L13 Applicants disclose that the "information is advantageously inserted in signaling stream descriptors....". Thus it is clear that Applicants' recited downloading control is responsive to temporal information which is part of the information associated with the interactive TV programming.

The Examiner looks to *Chanut* to remedy the deficiencies of *Barmettler*.

Chanut relates to user-initiated downloading of files, where a decision to download the files to a mobile terminal is based on the resources available on the mobile terminal and/or according to an estimation of the download time needed. However, like *Barmettler*, *Chanut* is not concerned with interactive television services linked to enhanced audiovisual program broadcasts.

At page 4, second paragraph of the Final Action the Examiner states;

> "*Chanut* discloses a method of determining whether to
> download a file or not, based at least indirectly on the file
> length, in comparison to a known resource. (See figure 3,
> 0022, 0025-0026, 0028, and 0049). The resource can be, for
> example, battery power, which corresponds to the amount of
> time before the device stops functioning (0004)..."

However, the Examiner makes an unsupported deduction that *Chanut*'s figure 3, 0022, 0025-0026, 0028, and 0049 somehow <u>corresponds</u> to "an amount of time", despite the fact that *Chanut* repeatedly discusses resource consumption. *Chanut* provides no data, information or teaching which could be deduced or construed as indicative of time.

The Examiner points to *Chanut* at 0004 where airtime is discussed. However, nowhere does *Chanut* mention or suggest <u>controlling downloading</u> responsive to a <u>temporal signal</u> associated with an interactive TV service as Applicants recite.

Indeed, *Chanut* makes no mention or suggestion of Applicants' recited;

> "...controlling acquisition of computer programs by one of
> allowing and preventing the downloading of said computer
> programs...".

And, *Chanut* fails to mention or suggest controlling downloading;

> "...according to said temporal information...",

In contrast, *Chanut* teaches downloading control in accordance with resources available at the <u>mobile terminal</u> and not in accordance with a signal forming part of the programming information. Thus *Chanut's* downloading control is completely different from that recited by Applicants' where,

> "...said temporal information being included in said information
> associated with said interactive television services."

Stated differently, Applicants' downloading control is by temporal information forming part of the program information, unlike *Chanut* who controls downloading responsive to resource computation within the mobile terminal device.

Since neither *Barmettler* nor *Chanut* taken singly or in combination disclose or suggest that temporal information, forming part of program information controls

downloading Applicants' claim 1 is not obvious and is patentable over *Barmettler* in view of *Chanut*.   Withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

Rejection of Claims 11 and 14

The Examiner rejected independent claims 11 and 14 using the same art and rationale as set forth for claim 1.   Thus, the same arguments as presented for claim 1 are equally applicable to claims 11 and 14.   Hence claims 11 and 14 are not obvious and are patentable over *Barmettler* in view of *Chanut*.   Withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

Rejection of Claims 3 - 6, 8 – 10 and 16

Claims 3 - 6, 8 – 10 and 16 all depend from claim 1, and are, for the same reasons, not obvious and are patentable over *Barmettler* in view of *Chanut*. Withdrawal of the rejection is respectfully requested.

Rejection of Claims 7, 12 and 13

Claims 7,12 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Barmettler* in view of *Chanut* and in further view of Gosling et al U.S. Patent 6052732 hereinafter, *Gosling*.

Claim 7 depends from claim 1, and for the same reasons, is not obvious and is patentable over *Barmettler* in view of *Chanut* and further in view of *Gosling*. Withdrawal of the rejection is respectfully requested.

With respect to claim 12, the Examiner asserts that;

> "*Barmettler* & *Chanut* disclose a device for compiling information messages associated with services, said messages being intended for transmission to users before execution of said associated services, said device including means of incorporating in said messages information concerning computer programs required for the execution of said services."

However, the assertion is not supported by citations from either reference. Neither *Barmettler* nor *Chanut* disclose or suggest Applicants' claim 12 device for compiling information messages associated with interactive television services linked to enhanced audiovisual program broadcasts.

Barmettler does not disclose that information messages are transmitted to users. Neither does *Barmettler* disclose or suggest that information messages are associated with interactive television services linked to enhanced audiovisual program broadcasts. Furthermore *Barmettler* makes no disclosure or suggestion that these messages are transmitted to users <u>before</u> execution of the associated interactive television programs.

Similarly, both *Chanut* and *Gosling* lack any teaching or suggestion of the features absent from *Barmettler,* but recited in claim 12.

Gosling discusses data type information which is received at the beginning of an object downloading process to determine if a viewer for the referenced object is available. In *Gosling* the data type information is received at the beginning of an object downloading process, that is when the download has already started. Thus *Gosling* fails to function as claim 12 recites where, "messages being transmitted to users <u>before</u> execution of said associated interactive television services." In addition the data type information of *Gosling* is different from the information messages of the invention which are associated with interactive television services linked to enhanced audiovisual program broadcasts.

Since neither *Barmettler* nor *Chanut nor Gosling* disclose or suggest Applicants' device for compiling information messages associated with interactive television services linked to enhanced audiovisual program broadcasts, and offer <u>no</u> teaching or suggestion that messages are transmitted to users <u>before</u> execution of the associated interactive television Applicants' claim 12 is not obvious and is patentable over *Barmettler* in view of *Chanut* and further in view of *Gosling.* Withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

With respect to claim 13, the Examiner states that because the limitations are substantially similar to claims 1 and 12, claim 13 is therefore rejected using the same art and rationale as previously set forth. Thus, Applicants' arguments as presented for claims 1 are 12 are equally applicable to claim 13. Hence claim 13 is not obvious and is patentable over *Barmettler* in view of *Chanut* and further in

view of *Gosling.* Withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

Having fully addressed the Examiner's rejections as set forth in the Final Official Action favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney in order to overcome any additional objections that the Examiner might have.

The Examiner is authorized to charge Deposit Account No. 07-0832 the fee necessary for an RCE. If there are any additional charges in connection with this application the Examiner is authorized to charge Deposit Account No. 07-0832

Respectfully submitted

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